

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

RON TUSSEY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 06-04305-CV-C-NKL
)	
ABB, INC., et al.,)	December 7, 2009
)	
Defendants.)	
)	
)	

MINUTE SHEET

HONORABLE Nanette K. Laughrey presiding at Kansas City, Missouri.

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Nature of Proceeding: Teleconference - Time: 2:06 p.m. - 3:04 p.m.

Plaintiffs by: Troy Doles, Heather Lea, Jerry Schlichter, and Dan Conlisk
Fidelity Defendants by: Brian Boyle, Randy Oppenheimer, Richard Bien, and Jim Dittmar
ABB Defendants by: William Delany, Brian Ortelere, Jeff Russell, and Azeez Hayne

Comments:

Teleconference held. The Court ruled on the pending motions.

Plaintiff's Motion for Summary Judgment (257/258), filed 3/9/09, Fidelity's Motion for Summary Judgment (282/283), filed 3/9/09, and ABB's Motion for Summary Judgment (284/285), filed 3/9/09, were denied in part and granted in part.

The following motions were denied:

Fidelity - re: O'Neal (260/261), filed 3/9/09
Fidelity - re: Miller (262/263), filed 3/9/09
Fidelity - re: Witz (264/265), filed 3/9/09
Fidelity - re: Kampner (266/267), filed 3/9/09
Fidelity - re: Otto, (268/269), filed 3/9/09
Fidelity - re: Pomerantz (270/271), filed 3/9/09
ABB - re: Witz (272/273), filed 3/9/09
ABB - re: Kampner (274/275), filed 3/9/09
ABB - re: Otto (276/277), filed 3/9/09
ABB - re: Pomerantz (280/281), filed 3/9/09

Plaintiff - re: untimely disclosures (299), filed 4/8/09

Plaintiff - re: Fidelity's reply-354 (364/365), filed 5/4/09

ABB - re: plaintiff's opposition to summary judgment-307 (347/350), filed 4/29/09

ABB - re: plaintiff's Lea declaration and additional facts-338 (390/391) filed 5/29/09

Fidelity - deem facts admitted in summary judgment motion-282 (348/349), filed 4/29/09

The following motions were granted:

Plaintiff - re: subsequent procedural history (458), filed 11/25/09

ABB/ Fidelity - re: subsequent procedural history (461) filed 12/3/09

A written order will be issued at a later date.

The Court announced pretrial filing deadlines and will issue a Bench Trial Scheduling Order. The trial will begin on January 5, 2010. The Court will ask Magistrate Judge Knox to contact the parties to see if the parties believe a settlement conference would be beneficial.

Report: Katie Wirt

By: Renea Kanies, Courtroom Deputy